

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY CHRISTOPHER
MUSSELMAN,

Petitioner,

v.

W.L. MONTGOMERY,

Respondent.

Case No. 1:21-cv-00510-HBK

ORDER TRANSFERRING CASE TO THE
CENTRAL DISTRICT OF CALIFORNIA

(Doc. No. 1)

Petitioner is proceeding on his petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. (Doc. No. 1). Petitioner, a prisoner incarcerated in Imperial County, which is located within the jurisdiction and venue of the U.S. District Court for the Southern District of California, El Centro Division, challenges his December 18, 2019 state sentence and conviction entered by the San Bernardino County Superior Court, which is located within the jurisdiction and venue of the United States District Court for the Central District of California, Eastern Division.

Under 28 U.S.C. § 2241(d), jurisdiction is proper in the judicial district where the petitioner was convicted or where the petitioner is incarcerated. Therefore, both the Southern District of California and the Central District of California have concurrent jurisdiction. *See* 28 U.S.C. § 2241(d); *Rumsfeld v. Padilla*, 542 U.S. 426, 428 (2004). However, “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other

1 district or division where it might have been brought.” 28 U.S.C. § 1404(a). Federal courts in
2 California generally hear petitions for writ of habeas corpus in the district of conviction. *Favor v.*
3 *California*, No. 116-CV-01912-DAD-EPG-HC, 2017 WL 2671006, at *1 (E.D. Cal. June 21, 2017)
4 (citing *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

5 Thus, the court finds in its discretion “and in furtherance of justice” the petition should be
6 transferred to the Central District of California. 28 U.S.C. §§ 1404(a), 2241(d).

7 **Accordingly,**

- 8 1. The clerk shall transfer this action to the United States District Court for the Central
9 District of California, Eastern Division; and
10 2. All future filings shall reference the new case number assigned and shall be filed at:

11
12 United States District Court
13 Central District of California
14 Eastern Division
3470 Twelfth Street
Riverside, CA 92501-3801

15 IT IS SO ORDERED.

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17 Dated: April 1, 2021

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19 HELENA M. BARCH-KUCHTA
20 UNITED STATES MAGISTRATE JUDGE
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